

**Minutes of the Regular Meeting Of The
New Jersey Maritime Pilot and Docking Commission
August 23, 2016**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, August 23, 2016 at One Penn Plaza East, Board Room, Newark, NJ 07105.

Commissioner McEwing called the meeting to order at 10:05 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (present); Commissioner Jacob Shisha (present); Commissioner Charles Wowkanech (present).

Executive Session

WHEREAS, the Open Public Meetings Act provides that a public body such as The New Jersey Maritime Pilot and Docking Pilot Commission may meet in closed session to discuss legal and personnel matters, and

WHEREAS, the Commission desires to meet in closed session to discuss such matters.

NOW THEREFORE, be it resolved that the Commission shall at this time meet in closed session to discuss such matters the substance of the closed session would be disclosed publicly only if it would not warrant an invasion of privacy or constitute a breach of the attorney client privilege.

A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:07 AM.

Return to Public Session

A motion was made by Commissioner Wowkanech and seconded by Commissioner McEwing that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 11:34 AM.

Approval of the July 19, 2016 Meeting Minutes

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha to approve the minutes of the July 19, 2016 meeting minutes. All voted in favor.

Resolution #16-23 to approve the August 2016 Treasurers Report

A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech to pass Resolution #16-23 to approve the August 2016 Treasurers Report. All voted in favor.

Executive Director's Report

Ms. Stuckey announced that Captains Schoenlank, Flannery, Ellis, and Oldmixon were at MITAGS setting up the second phase of the simulator exercises for the 18,000 TEU vessels. USCG Captain of the Port Michael Day will also join them for a couple of days. Once they are done, they will begin scheduling pilots to go down for training. Ms. Stuckey thanked Captain George Smith and Captain John Miller for attending today's meeting to report on behalf of Captains Schoenlank and Flannery.

- A. Hudson River Update - Since the Commission's last meeting, there have been no reports of transport jobs completed on the Hudson River. Ms. Stuckey believes that they are in the process of getting a rate increase approved which should make it more attractive for them to recruit pilots.
- B. NTSB Correspondence - A copy of the chain of correspondence with the NTSB was provided to the Commissioners. Following the NTSB's investigation of the January 23, 2010 collision with the Eagle Otome and the Gull Arrow, they sent a letter to each of the twelve states with pilot commissions. The letter included three safety recommendations and requested a response on an implementation plan. The letter was sent in 2013 under Captain Sarrubi's tenure. Somehow a response was not sent. Ms. Stuckey sent a letter explaining the late

response and advised how the Commission has already addressed each recommendation.

- C. A.K. Pipeline Removal Meeting - There was an initial A.K. pipeline removal meeting on August 2nd. Ms. Stuckey was unable to attend because she was out of the state. She was advised that the meeting was not very productive because the contractors were not fully prepared with answers. They didn't have a plans in place to remove the pipeline. Without this information they could not determine the impact on commercial traffic. The next meeting is scheduled for August 30th. Ms. Stuckey will be in attendance.
- D. Carteret Marina - Each of the Presidents of the pilots' associations reviewed the information received from Carteret regarding their training, regulations, and safety measures that will be put in place once the marina is built. Although each found that a lot of time and research went into the preparations of the plans, the impact that the increased traffic will have on commercial traffic is still a very big concern. A copy of Ms. Stuckey's follow-up letter to Carteret advising them of the Commission's concerns while reiterating the Commission's willingness to help with training, literature, and overall port safety. Ms. Stuckey also asked them to keep the Commission in the loop as things progress.
- E. Meeting with DEP re: Oil Spills - Ms. Stuckey attended a meeting at NJDEP on August 11th with Deputy Commissioner David Glass and Bob Van Fossen, Director of Emergency Management at DEP. They discussed what protocol is to be followed in the event of an oil spill or any other spill of hazardous material. The Commission is now on the list of persons to be called and will be involved to ensure that the pilots are available to help with the investigation. Ms. Stuckey will also attend a series of table top exercises. The first will take place on August 31st at Conoco Philips in Linden. Ms. Stuckey believes the meeting was very productive and she looks forward to working with them in the future.
- F. Pension Surcharge Committee Meeting - Immediately following the Commission's September 20th Meeting, the Commission will host a pension surcharge meeting. Commissioner Shisha will attend as the Commission's representative.

- G. Sandy Hook Apprentice Training Report - A copy of the Sandy Hook Apprentice Training Report was provided in the Commissioner's folders. Ms. Stuckey pointed out that Apprentice Ryan Pakalik recently tested and the Commission will not test another apprentice until October 2017.
- H. Industry Cruise - The Sandy Hook Industry cruise is scheduled for Friday, September 16th. All the electronic invitations have been delivered. The cruise is a great networking event and Ms. Stuckey encouraged everyone to attend.
- I. Eagle Cutter - On August 4, 2016, Ms. Stuckey rode in on the Coast Guard sailing vessel the Eagle Cutter. She was taken via motorboat to meet the vessel north of the Verrazano Bridge and came into dock at the Intrepid Museum. It was a great experience and Ms. Stuckey was able to see the dual piloting system firsthand, as Captains Wanderer and Captain Baker worked together to bring the vessel in.
- J. US Coast Guard Meet & Greet - A copy of the invitation for the Coast Guard Meet & Greet on September 9th was provided to the Commissioners. The event will take place from 9AM through 11AM at Fort Wadsworth in Staten Island. The setting will be casual and the officers will circulate, introduce themselves and answer any questions. Ms. Stuckey will be unable to attend the Meet & Greet as she will be aboard the John Brown when it enters the port. RSVPs are not required. Ms. Stuckey encouraged any of the Commissioners that are available to attend.
- K. John Brown - The John Brown comes into the NY/NJ Harbor on September 9th. Ms. Stuckey is scheduled to be on the bridge with Captain Basciano who is bringing the vessel in. It will be docked at Pier 36. The evening of its arrival there will be a reception from 5PM - 8PM. Ms. Stuckey will be unable to attend the reception. A copy of the flyer was provided to the Commissioners. If anyone would like to attend please let Ms. Stuckey know as soon as possible.
- L. Port Industry Day - Port Industry Day is scheduled for September 26 at Liberty House at Liberty State Park. Captain Schoenlank will be one of the speakers for the panel discussion. He will talk about what the pilots are doing to prepare for the post Panamax vessels. Ms. Stuckey

and Ms. Montilus are scheduled to attend. Anyone who would like to participate should contact Ms. Stuckey.

M. Investment and Industry Forum - The Maritime Association is hosting an Investment and Industry Forum on September 13, 2016 at the Metropolitan Club in Manhattan. A copy of the agenda was provided to the Commissioners. The date conflicts with the week that Ms. Stuckey will be attending apprentice selection interviews therefore she will not be able to attend. Ms. Stuckey asked Ed Kelly to brief the Commission on the event at the October regular meeting.

N. Vacation Schedules - There are no staff vacations for the immediate future. Ms. Montilus will take off a few occasional days through December, during those times the office will have coverage. Ms. Stuckey plans to take a long weekend for Labor Day and has no other vacation plans until the end of the year during the Commission's slow period. Moving forward, staff will no longer request vacation days during board meetings unless there is an emergency.

O. Articles of Interest:

- "COSCO First Transit of Panama Canal, Now First Accident" - Maritime Executive -regarding the first vessel to have an accident while transiting the new locks in the Panama Canal.
- "Clean Vessel Incentive Draw Cleanest Vessels to Port of NY & NJ" - Port Authority Breaking Waves - regarding the Clean Vessel Incentive plan and how it is bringing the cleanest vessels to the ports of NY & NJ.
- "Port of NY & NJ Welcomes Two Maiden voyages" - Port Authority Breaking Waves - regarding the maiden voyage of two vessels the Beyond and the Chongqing.

Public Comment(s)

Comment from Captain John Miller, Vice President, Sandy Hook Pilots Association:

Captain Miller announced that in addition to the Captains that are currently in Baltimore. Greg Hutchins, Beth Rooney, and other key personnel interested in Port Safety are in attendance. Currently they are doing training in the Kills moving vessels that are 18,000 TEUs. Captain Miller also reported that that

14,000 TEU simulation was successful and the pilots will suggest certain parameters to be put in place.

Captain Miller also reported that there are plans for a moving travelers' platform that will be used on the Goethals and Bayonne Bridge. There is an upcoming meeting to discuss the plans and Captain Flannery will be in attendance. So far there has been a miscalculation for the Goethals Bridge which resulted in a higher number that should be lowered to 5 ft. The Bayonne Bridge platform will create a 6 ft. deduction. The pilots are looking to be able to communicate with the platform operators to be able to provide them with an ETA before their arrival.

Commissioner Shisha asked Captain Miller if there was any progress on securing an anchorage for the larger vessels. Captain Miller mentioned that Stapleton Anchorage has been used, but currently there aren't any emergency spots that he is aware of.

Comment from Captain George Smith, Captain, Sandy Hook Pilots Association:

Captain Smith reiterated that currently Captain Schoenlank is at MITAGS participating in the 18,000 TEU simulation training. The plan is to combine their findings on the 14,000 TEU and 18,000 TEU ships and create a report with recommendations.

Currently there have been concerns from the conservation community regarding the right whale restrictions. There is a meeting on Wednesday, August 24th at Central Park with the US Coast Guard and Port Authority. John Nardi, the President of NYSHPA will attend the meeting.

Captain Smith also reported that there is a proposal to replace some anchorages. A lot of the criticism is based on false assumptions. This anchorage will be used for existing traffic. Hudson River pilots also use the anchorage so the Commission should expect to hear more about this proposal as it moves forward.

Comment from Edward Kelly, Executive Director, Maritime Association of the Port of NY & NJ:

Mr. Kelly mentioned that there are discussions to find anchorages for larger vessels. Currently Grayson and Stapleton are bailout spots that will be kept open for the larger vessels.

Mr. Kelly reported there is an upcoming Expand Mammal Meeting that he plans to attend. The environmentalists are concerned with the whale population in the port. Mr. Kelly is hoping the SONAR does not interfere with NOVAC. The conversation started with a recent whale incident. The meeting is preemptive to discuss current protocols. In Charleston, they use speeds up to 6 knots to protect the whales. Mr. Kelly mentioned that a speed restriction like that would not work for the NY/NJ port.

There are ten new proposed federal regulated anchorages in the Hudson River. It's a common and customary practice. They will be out of active channels and in places where there is enough water. The issue began because people were anchoring in spots that were non-designated. The Captain of The Port stated there will be a \$40,000 fine for anyone who continues to anchor in non-designated spots when it is not an emergency. The designated anchorage spots will help keep the port safe and operating. A couple of mayors have spoken out against the project on behalf of their constituents. Mr. Kelly was on Fox News to help dispute some of the claims and highlight the facts surrounding the project.

Mr. Kelly also met with scientists in regards to the Sturgeon Study. The Hudson River sturgeon nest seems to be the highest at anchorage sites. The environmental issues are becoming more common and more publicized due to politicians who are more inclined to respond to constituents rather than the industry.

Discussion re:FY2016 Audit

Commissioner Dacey reported that the Commission is working with the GAU, State Comptroller, and NJDOT to resolve the process for the FY2016 Audit.

Resolution #16-24 to Approve the Proposal to Re-adopt the Commission's Current Regulations with Amendments

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #16-24 to approve proposal to re-adopt the Commission's current regulations with amendments. All voted in favor.

Resolution #16-25 to Approve the Issuance of a Docking Pilot License to Randall H. Murphy

Ms. Stuckey stated that Captain Murphy was the first to take the new docking pilot test. He did well. A copy of his grading sheet was provided to the commissioners. He will still be working on the tugs and will need to submit monthly reports until he becomes full time.

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #16-25 to approve the issuance of a docking pilot license to Randall H. Murphy. All voted in favor.

Resolution #16-26 to Approve the Issuance of a Deputy Maritime Pilot License to Ryan P. Pakalik

Ms. Stuckey reported that Captain Ryan Pakalik sat for his state exam the week of August 15th. He did well. Captain Pakalik will attend the September 20th regular meeting to be sworn in and join the rotation board on October 1, 2016.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha to pass Resolution #16-26 to approve the issuance of a Deputy Maritime Pilot license to Ryan P. Pakalik. All voted in favor.

Committee Report

A. Maritime Pilot Apprentice Selection Committee. Ms. Stuckey reported that the committee has begun ranking the applicants. The apprentice interviews will begin September 12th at the Seamen's Church Institute for two to three weeks. The dates of the NY and NJ Board Meetings, SHPA Industry Cruise, and the Harbor Ops Meeting will be the only dates that the committee will not meet. Ms. Stuckey will be available to handle issues through her cell phone and email. She will also occasionally go into the office during those weeks.

B. Investigation Committee:

Ms. Stuckey reported that the Commission is up to date and there are no new cases. She held the quarterly staff meeting with the investigators last week. She thanked them and informed them that even though it is slow, they are still on retainer.

I. USUGC Tampa - April 5, 2016. Based on the findings in the investigative report, Ms. Stuckey recommended that the Commission find no fault on the part of the pilot, the file closed, and a copy of the report sent to the Coast Guard, the vessel owner, and the agent.

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.

Docking Pilot Apprentice List

Ms. Stuckey announced that she received a request from a docking pilot association to begin the apprentice selection process. Commissioner Shisha is a part of the apprentice selection committee. The current list is depleted and each association currently has one apprentice.

Executive Session

WHEREAS, the Open Public Meetings Act provides that a public body such as The New Jersey Maritime Pilot and Docking Pilot Commission may meet in closed session to discuss legal and personnel matters, and

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A motion was made by Commissioner Shisha and seconded by Commissioner Dacey that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 12:19 AM.

Return to Public Session

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 12:42 PM.

Adjournment

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha that the meeting be adjourned. All voted in favor.

The meeting was adjourned at 12:44 PM.